

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
NOVEMBER 15, 2021**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present Byron Elias, Michele Mandia, and Fred Kiehm. Board Members absent: Karen Stanislaus, Lenora Murad and John Montrose; and Codes Officer Lary Gell. Also in attendance were Town Attorney Herbert Cully, and Secretary Dory Shaw. Everyone in attendance recited the Pledge of Allegiance. Chairman Bogar introduced the Board Members and explained the procedures for tonight's meeting. (Board Member Stanislaus appeared to the meeting, but it had ended).

The application of **Mr. Anthony Mangano, 9521 Mallory Road, New Hartford, New York**. Mr. Mangano is located in a Residential/Agricultural (RA) district and is proposing to construct a 19'6"± tall accessory structure. Zoning in this area for an accessory building shall be one story or 15 feet, whichever is less. Therefore, the applicant is seeking a height Area Variance of 4'6"± to construct this structure. Mr. Chris Paudano appeared before the Board in Mr. Mangano's absence.

Mr. Paudano explained that the pole barn will be used for storage (personal equipment) – there is no business operations at this site. He cannot do this any other way as the roof line would be too low and it needs to be done right. Mr. Mangano has about 700' back from the road so it isn't noticeable.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing closed at approximately 6:12 P.M. Oneida County Planning 239 and Oneida County DPW was received with no adverse comments.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response: no, all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no, all in agreement.

Motion was made by Board Member Fred Kiehm to **approve** the application as requested/submitted; Also, that a Building Permit be obtained within one year of approval date; seconded by Board Member Michele Mandia. Vote taken:

Chairman Randy Bogar - yes
Board Member Fred Kiehm - yes

Board Member Michele Mandia - yes
Board Member Byron Elias - yes

Motion was **approved** by a vote of 4 – 0.

The application of **Burlington for a sign located at Consumer Square, New Hartford, New York.** The applicant is applying for two (2) wall signs on the same wall, two directional and a freestanding for a total of 438± square feet of signage. Also, the applicant is proposing a 405± square foot wall sign with an additional 16± square foot wall sign, for a total of 421± square feet on the same west elevation of the building which is facing off street parking area. Code allows only one wall sign up to 100 square feet of signage. An area variance will be needed for the requested two (2) wall signs on the same wall with a 321± square foot Area Variance to allow the overage on the west elevation. Total signage for the use allowed is 200 square feet per use. Additional variance will be required for the applicant to be granted a 238± square foot Area Variance for overage for this site. Tax Map #317.013-3-23.61; Zoning: C1 General Commercial. Mr. Paul Serianni of Serianni signs appeared before the Board.

Mr. Serianni presented the Board Members with an exterior sign update package and explained what is transpiring at this site. He explained how the logo becomes part of the sign which adds to the square footage. He referred to the other signs in this mall. He referred to the main sign regarding illumination but he did not know at this time how long it would be lit.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing closed at approximately 6:25 P.M.

Oneida County Planning 239, NYSDOT and Oneida County DPW responses were received with no adverse comments.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response: no, all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no, all in agreement.

Motion was made by Board Member Michele Mandia to **approve** the application as requested/submitted; Also, that a Building Permit be obtained within one year of approval date; seconded by Board Member Byron Elias. Vote taken:

Chairman Randy Bogar - yes
Board Member Fred Kiehm - yes

Board Member Michele Mandia - yes
Board Member Byron Elias - yes

Motion was **approved** by a vote of 4 – 0.

The application of **First Source Federal Credit Union, 38 Kellogg Road, New Hartford, New York.** The applicant proposes five (5) wall signs and a LED freestanding sign for a total of 285± square feet of signage for the proposed use. The applicant also proposes a 33± square foot wall sign with an additional 89± square foot wall sign, for a total of 122± square feet on the same north face side of the building. Code allows one wall sign up to 62 square feet. Area variance will be needed for the requested two wall signs on the same wall with a 32± square foot Area Variance to allow the overage on the north wall. Total signage for this use allowed is 200 square feet per use. Additional variance will be required for the applicant to be granted an 85± square foot Area Variance for overage for this site. Tax Map #339.015-2-1; Zoning: C2 Commercial Retail Business. Ms. Katie Ullman appeared before the Board.

Board Member Byron Elias noted for the record that he is a volunteer in this organization but he can be impartial to this application.

Ms. Ullman addressed the proposed sign at their Kellogg Road location. This is a commercial area and there is another bank across the street. This sign conforms with a lot of the other signs in this area.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing ended at approximately 6:35 P.M.

Oneida County Planning 239, Oneida County DPW and NYSDOT responses were received with no adverse comments.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response: no, all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no, all in agreement.

Motion was made by Chairman Randy Bogar to **approve** the application as requested/submitted; Also, that a Building Permit be obtained within one year of approval date; seconded by Board Member Fred Kiehm. Vote taken:

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Chairman Randy Bogar - yes
Board Member Fred Kiehm - yes

Board Member Michele Mandia - yes
Board Member Byron Elias - yes

Motion was **approved** by a vote of 4 – 0.

Minutes of the September 20, 2021 Zoning Board meeting were approved by Board Member Byron Elias; seconded by Board Member Fred Kiehm. All in favor.

There being no further business, the meeting adjourned at approximately 6:45 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

dbS